

ADOPTED

DEC 9 2004

FILED

2004 DEC 13 PM 2 26

ORDINANCE NO. O-2004-33

MARY L. SLINKARD
CLERK & PROBATE CLERK
BENTON COUNTY, AR

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE REQUIRING ALL JUNKYARDS, SALVAGE YARDS, OR AUTOMOBILE GRAVEYARDS LOCATED ON STATE SECONDARY HIGHWAYS, COUNTY ROADS, OR OTHER PUBLIC ROADS NOT REGULATED BY STATE STATUTE TO COMPLY WITH COUNTY PLANNING REGULATIONS BEFORE THEIR ESTABLISHMENT OR EXPANSION AND TO REQUIRE THAT THEY BE PROPERLY SCREENED SO AS NOT TO BE VISIBLE FROM A NEIGHBOR'S PREMISES OR A TRAVELED HIGHWAY OR ROADWAY IN BENTON COUNTY, ARKANSAS.

WHEREAS, salvage yards, automotive graveyards and junkyards located on primary or other state highways designated by the Arkansas Highway Commission, located outside the city limits of an incorporated city in Benton County, are regulated by Arkansas Code Annotated 27-74-401 and

WHEREAS, the Benton County Quorum Court is interested in preserving property values, the scenic beauty of our County; and its value as a beautiful, picturesque, tourist destination; and

WHEREAS, to accomplish this goal the Benton County Quorum Court has determined that it is appropriate to regulate the establishment or expansion of existing salvage yards, automobile graveyards and junkyards located on state secondary highways, county roads, and other public roads not already regulated by state law, and to require screening prior to the establishment or expansion of said salvage yards, automobile graveyards, and junkyards.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. For purposes of this ordinance, the following definitions shall apply:

A. The term "junk" shall mean old or scrap copper, brass, glass, paper, porcelain, rope and/or cordage, rags, batteries, rubber debris, building materials, plastic items, or parts thereof, iron, steel or other scrapped ferrous or non-ferrous materials.

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B. The term "salvage yard" shall mean any establishment, residence, or place of business which is maintained, used or operated for storing, keeping, dismantling, buying, or selling of (1) scrap or discarded junk, (2) ~~inoperable~~ wrecked, scrapped, ruined, discarded or dismantled motor vehicles, motor vehicle parts, machinery or appliances.

C. The term "automotive graveyard" shall mean any establishment, residence, or place of business which is maintained, used or operated for storing, keeping, buying, or selling, of three (3) or more inoperable, wrecked, scrapped, ruined, discarded or dismantled motor vehicles or motor vehicle parts.

D. The term "junkyard" shall mean any establishment, residence, or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard or salvage yard.

ARTICLE 2. It shall be unlawful for any person to ~~establish or expand~~ in the unincorporated areas of Benton County, Arkansas, a salvage yard, automotive graveyard or junkyard, any portion of which is within one thousand feet (1,000 feet) of the nearest edge of the right of way of any state secondary highway, county road, or public road, unless it has met all planning requirements of Benton County and is properly screened so that it is not visible from a neighbor's premises or a traveled highway or roadway.

ARTICLE 3. Proper screening shall refer to natural objects, plantings of a perennial nature, or fences that blend in with the environment of the area.

ARTICLE 4. Farm equipment, machinery, or vehicles either: (1) in active use in farming operations in the County; or (2) on farm property and stored for use in farming operations in Benton County, are specifically exempt from the provisions of this ordinance.

ARTICLE 5. This ordinance is not intended to conflict with any state law now in existence or hereafter in existence. If a conflict does arise, state law will govern.

ARTICLE 6. Any rules and regulations adopted by the Arkansas Highway Commission governing the location, planting, construction and maintenance of the screening and fencing of junkyards and automobile graveyards on primary or other State highways are hereby adopted by reference and shall apply to junkyards and automobile graveyards governed by this ordinance.

ARTICLE 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

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ARTICLE 8. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Two Hundred Fifty and 00/100 Dollars (\$250.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) for each offense and/or day the violation occurs.

MARY L. SLINKARD
COUNTY CLERK
NEWTON COUNTY, AR

APPROVED:

Gary D. Black

GARY D. BLACK, COUNTY JUDGE
DATE SIGNED: DEC. 10, 04



ATTEST:

Mary L. Slinkard

MARY L. SLINKARD, COUNTY CLERK

DATE ADOPTED: December 9, 2004

Sponsor: JP Sheridan

Votes for: 12 Against:

Abstain Present Absent 1